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DEC 11 2015

JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY ____________ DEP CLK

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America
v.
HEMZA MENADE LEFSIH

Defendant(s)

Case No. 5:15-mj-2260-JG

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 1, 2015 in the county of Wake in the Eastern District of North Carolina, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. 1015(a)	Knowingly making a false statment under oath in a matter relating to, or under, or by virtue of any law of the United States relating to naturalization, citizenship, or registry of aliens

This criminal complaint is based on these facts:

See attached Affidavit of Tony Bell

☑ Continued on the attached sheet.

[signature]
Complainant's signature

Tony J. Bell, Special Agent, HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 11 December 2015

[signature]
Judge's signature

City and state: Raleigh, North Carolina

James E. Gates, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1. I, Tony Bell, am a Special Agent of the Department of Homeland Security, under Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Cary, North Carolina office. I have been employed as a Special Agent for over 12 years. My duties routinely include the investigation of violations of Title 8, 18, 19, 21 and 31 of the United States Code and of the federal criminal statutes concerning immigration offenses, including Immigration benefit fraud.

2. This Affidavit is submitted to establish probable cause for a criminal complaint and arrest warrant for HEMZA MENADE LEFSIH for making false statements in connection with a naturalization application in violation of Title 18, United States Code, Section 1015.

3. This affidavit is based upon my own personal knowledge, information provided to me by other law enforcement officers, and my review of documents contained in the Alien File of the subject in question. It does not set forth all information known to me about this case but has been prepared for the limited purpose of establishing probable cause for the criminal complaint and warrant.

Alien File Information

4. Your affiant has personally reviewed Alien File (A-file) #061 184 137, maintained by the United States Citizenship and Immigration Services (CIS) in the name of HEMZA MENADE LEFSIH, containing the alien's biographical information, records of encounters with ICE, photographs and fingerprints. A review of the A-File and an interview of LEFSIH confirms that he is the alien referenced therein and is a citizen and national of Algeria (born in Tazmalt, Algeria).

5. LEFSIH entered the United States at Newark, New Jersey, on or about November 19, 2010, with a Diversity Immigrant visa (DV-1) issued in Paris, France. LEFSIH was authorized to remain in the United States indefinitely, providing that he did not fall into one or more categories of deportable offenses as defined in Title 8, United States Code, Section 1227. Evidence of this entry was found in a search of the ICE/DHS databases, as well as the copy of LEFSIH's Immigrant Visa (IV61184137) maintained in his A-File.

6. On or about August 19, 2015, LEFSIH completed the questions on the Application for Naturalization, Form N-400, and signed the application under penalty of perjury.

7. On September 1, 2015, LEFSIH filed the Application for Naturalization (N-400) with the CIS National Benefits Center located in Lees Summit, Missouri. In the application, LEFSIH listed an address in Raleigh, North Carolina, in the Eastern District of North Carolina.

8. LEFSIH responded "No" to Question 23 on the Application for Naturalization, Form N-400: "23. Have you **ever** been arrested, cited, or detained by any law enforcement officer (*including any and all immigration officials or the U.S. Armed Forces*) for any reason?" (emphasis in original).

9. LEFSIH responded "No" to Question 24 on the Application for Naturalization, Form N-400: "24. Have you **ever** been charged with committing, attempting to commit, or assisting in committing a crime or offense?" (emphasis in original).

10. LEFSIH responded "No" to Question 25 on the Application for Naturalization, Form N-400: "25. Have you **ever** been convicted of a crime or offense?" (emphasis in original).

11. LEFSIH signed the Application for Naturalization, Form N-400, below the following statement: "I certify, under penalty of perjury under the laws of the United

States of America, that this application, and the evidence submitted with it, are all true and correct."

12. On November 30, 2015 LEFSIH was interviewed by a CIS Immigration Examiner in Durham, North Carolina regarding his N-400, Application for Naturalization. During the interview, LEFSIH confirmed and repeated his negative responses to Questions 23, 24 and 25.

Criminal History Information

13. A subsequent review of LEFSIH's criminal history within North Carolina revealed the following:

a. On May 31, 2011, LEFSIH was involved in a car accident and was issued a citation for Failure to Maintain Lane Control. The charge was later dismissed on April 27, 2012.

b. On August 6, 2011, LEFSIH was issued a citation for Failure to Stop at a Red Light. The charge was later dismissed on April 27, 2012.

c. On December 11, 2011, LEFSIH was issued a citation for Failure to Stop at a Red Light. The charge was later dismissed on April 27, 2012.

d. On May 12, 2012, LEFSIH was issued citations for Operating a RCC as a Taxicab within City Limits and for Driving While License Revoked. The charges were later dismissed on December 4, 2012.

e. On August 26, 2012, LEFSIH was issued a citation for Speeding. The charges were later reduced on September 11, 2012.

f. On May 23, 2013, LEFSIH was issued a citation for Misdemeanor offense, Taxi Driver Fail to Remain within 5ft of the curb. LEFSIH pled guilty to the charge on July 18, 2013 and was sentenced to Community Punishment.

g. On January 26, 2014, LEFSIH was issued a citation for Fail to Maintain A Daily Manifest. LEFSIH pled guilty on March 3, 2014, and was sentenced to Community Punishment.

h. On April 13, 2014, LEFSIH was issued a citation for Impeding Traffic/Sit/Standing. LEFSIH was convicted on October 6, 2014.

Investigative Interview of LEFSIH

14. On December 1, 2015, information was received from the FBI Joint Terrorism Task Force (JTTF) that LEFSIH had posted a video on his Facebook page on November 11, 2015, of a known overseas terrorist, Sheikh Kardawi, with the message: "Sheikh Kardawi about jihad in Syria." Kardawi states in the video that "jihad right now is an obligation to whoever is capable of it." LEFSIH removed

the post shortly after the November 13, 2015 terrorist attacks in Paris.

15. On December 8, 2015, HSI and FBI agents conducted an interview of LEFSIH at his residence in Raleigh. During the interview, LEFSIH was shown a copy of his North Carolina criminal history. LEFSIH acknowledged all of the citations listed in paragraph 13 above, except for the January 26, 2014 citation which was listed incorrectly on the criminal history print-out that was shown to him.

16. LEFSIH was asked why he had given a negative response to Question 23 on the Application for Naturalization, Form N-400: "23. Have you **ever** been arrested, cited, or detained by any law enforcement officer (*including any and all immigration officials or the U.S. Armed Forces*) for any reason?" (emphasis in original). LEFSIH stated that the question did not apply to him because he had not been detained by law enforcement.

Conclusion

17. LEFSIH stated falsely under oath in his Application for Naturalization, N-400, filed with CIS on September 1, 2015, that he had never been cited by a law enforcement officer, and that he had never been charged or convicted of a crime or offense, when in fact, as he then knew, he had been cited at least eight times between May

31, 2011 and April 13, 2014, and had been convicted of several of these offenses.

18. Accordingly, there is probable cause to believe that on or about September 1, 2015, HEMZA MENADE LEFSIH did knowingly make false statements under oath in a matter relating to naturalization and citizenship, in violation of Title 18, United States Code, Section 1015(a).

Tony J. Bell
Special Agent
Homeland Security Investigations

SUBSCRIBED TO AND SWORN TO BEFORE ME
THIS 11 OF December, 2015.

James E. Gates
United States Magistrate Judge
Eastern District of North Carolina